

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN SCHEFFLER

Petitioner, : **CIVIL ACTION**
: **No. 18-cv-610**

v.

: **FILED**

KEITH CARBERRY, et al.,

Respondents. : **MAY - 1 2018**

KATE BARKMAN, Clerk
By _____ Dep. Clerk

ORDER

This 1st day of May, 2018, upon consideration of Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by *pro se* petitioner, John Scheffler, the record in this case, and the Report and Recommendation of United States Magistrate Judge Lynn A. Sitarski dated March 20, 2018, and with no objections having been filed, **IT IS**

ORDERED as follows:

1. The Report and Recommendation is **APPROVED and ADOPTED**;
2. The Petition for Writ of Habeas Corpus is **DISMISSED WITHOUT PREJUDICE**, not on the merits but for failure to exhaust state remedies; and
3. A certificate of appealability will not issue because reasonable jurists would not debate the propriety of this Court's procedural rulings with respect to petitioner's claims. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).



Gerald Austin McHugh
United States District Judge